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Paper 14

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**COPY MAILED**

MAY 31 2006

**OFFICE OF PETITIONS**

In re Application of :  
David S. Browne :  
Application No. 10/073,582 :  
Filed: February 12, 2002 :  
Title of Invention: **RENEWABLE STORED**  
**ENERGY POWER GENERATING**  
**APPARATUS** :

ON PETITION

This is a decision on the request for reconsideration, filed May 2, 2005 under 37 CFR 1.137(b)<sup>1</sup>, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office Action mailed May 14, 2003. An response filed June 19, 2003 was considered and the applicant was advised in an advisory action mailed July 15, 2003 that the response did not place the application in condition for allowance. No timely response having been filed thereafter, this application became abandoned. Accordingly, a Notice of Abandonment was mailed November 18, 2003. A petition filed November 2, 2005 was dismissed in a decision mailed March 6, 2006 because it was filed without a response to the final Office Action mailed May 14, 2003, in compliance with 37 CFR 1.137(b)(1).

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<sup>1</sup> A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

Comes now petitioner with the instant renewed petition

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation in part application under 37 CFR 1.53(b); (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuation in part application no.11/265,661 filed November 2, 2005, pursuant to the provisions of 37 CFR 1.53(b).

This matter is being referred to Technology Center 3748 for processing of the continuation application filed November 2, 2005.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions